REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action. Before doing so, both the undersigned and Vinod Nama would like to thank Examiner Nguyen for the courtesies extended during a telephone interview on November 15, 2011 ("the telephone interview"). The telephone interview is summarized within the following remarks.

Rejections under 35 U.S.C. § 103

Claims 40, 42-56, 63-72, 76 and 135 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0109063 ("the Kusaka publication") in view of U.S. Patent No. 6,396,537 ("the Squilla patent") and further in view of U.S. Patent No. 7,895,274 ("the Kondo patent"). The applicants respectfully request that the Office reconsider and

withdraw this ground of rejection in view of the following.

Independent claim 40 (and similarly independent claim 135) is not rendered obvious by the Kusaka publication and the Squilla and Kondo patents because these references neither teach, nor make obvious, an information acquisition device which acquires digital information from a server, the information acquisition device including an image capturing unit shooting a subject and capturing image data of a subject image formed by a taking lens; ***an information request creation unit creating an information request that includes an address specifying the information acquisition device***; a first transmission unit transmitting, wirelessly, an information request signal that includes the information request, without specifying any destination address of the information request signal; a reception unit receiving a radio signal addressed to the information acquisition device and transmitted wirelessly from the server in response to the information request signal transmitted by the first transmission unit, and acquiring information contained in the radio signal; an information storage unit storing the image data captured by the image capturing unit in addition to the information acquired by the reception unit; an operation unit detecting one user operation of a shutter switch for issuing an instruction to transmit the information request signal by the first transmission unit or to capture image data by the image capturing unit; and ***a mode selecting unit selecting a*** mode from (1) an information acquisition mode, (2) an image capture mode and (3) ***a mix mode***, wherein when the

operation unit detects the user operation of the shutter switch, then issues an instruction (A) to transmit the information request signal to the server only during the information acquisition mode, (B) to capture image data only during the image acquisition mode, or (C) ***to transmit the information request signal to the server and to capture image data*** during the mix mode, and wherein ***the first transmission unit has directivity and radiates the information request signal in a direction through an optical axis of the taking lens***, and the reception unit has one of (A) no directivity and (B) broader directivity than the first transmission unit.

In rejecting claims 40 and 135, the Office acknowledges that the Kusaka publication and the Squilla patent fail to teach the foregoing features. (See, for example, pages 3, 5 and 6 of the Office Action.) The Office, however, relies on the Kondo patent to address the deficiencies of the Kusaka publication and the Squilla patent. (See, for example, pages 2 and 3 of the Office Action.)

First, the Office states that taking an image through a direction of lens of camera 33 of the Kondo patent teaches ***the first transmission unit has directivity and radiates the information request signal in a direction through an optical axis of the taking lens*** as recited in claim 40. (See, for example, page 3 of the Office Action.) The applicants respectfully disagree.

Embodiments consistent with the claimed invention include transmitting an information request signal from a

first transmission unit of the information acquisition device, to the server, in the direction through the optical axis of the taking lens. See, for example, Fig. 15 where the information request signal is transmitted from infra red emitter 5 (first transmission unit) of the information acquisition device 51, to the server 2, in a direction through the optical axis of the taking lens 52.

Regardless of whether the camera 33 of the personal computer 1 of the Kondo patent takes an image in the direction of lens, the Kondo patent does not disclose that the personal computer 1 radiates an information request signal in a direction through an optical axis of the lens (of the camera 33), as recited in claim 40. During the telephone interview, Examiner Nguyen appreciated the foregoing distinction. The Examiner also indicated that the cited references would be further reviewed and/or an updated search may be performed. Note that the Kondo patent discusses that personal computer 1 (which has the camera 33) transmits the information to server 5 and/or terminal 6 in network 4 ***via the port replicator 2***. (See, for example, Fig. 1 and col. 2 lines 54-63) The Kondo patent does not disclose that either the camera 33 or the port replicator 2 has directivity and that it radiates the information request signal in a direction through an optical axis of the camera 33. Thus, the Kondo patent fails to teach ***the first transmission unit which has directivity and radiates the information request signal in a direction through an optical axis of the taking lens*** as recited in claim 40.

Second, the Office states that the send mode of the Kondo patent teaches the mix mode as recited in claim 40. (See, for example, page 2 of the Office Action.) The applicants respectfully disagree.

Embodiments consistent with the claimed invention include performing an image capturing process and information acquisition process in the mix mode. (See, for example, Figs. 15, 17 and 18 and their associated description.) In the mix mode, the information acquisition device 51 performs both the processes together. That is, the information acquisition device 51 transmits the information request signal to the server 2 followed by capturing the image using the lens 52 (See, for example, items S1806 and S1802 in Fig. 18.) or vice-versa (See, for example, items S1802 and S1806 in Fig. 17.). However, in the mix mode, the information acquisition device 51 does not transmit the captured image in or with the information request signal.

In contrast, the send mode of the Kondo patent displays and transmits processed image data. (See, for example, abstract and Figs. 10 and 11 and their associated description in the Kondo patent.) Regardless of whether the Kondo patent transmits an address with the processed image, the send mode of the Kondo patent, which includes transmitting an image, is not same as the mix mode which ***transmits the information request signal to the server and captures image data*** as recited in claim 40. Thus, the Kondo patent fails to teach the foregoing feature of claim 40. During the telephone interview, Examiner Nguyen appreciated the foregoing distinction.

Third, embodiments consistent with the claimed invention include an information acquisition device, that requests information from a provider, creating a information request signal that includes an address of the information acquisition device. See, for example, Figs. 1 and 2, where the information terminal device 1 (more specifically, a command generation unit 13 in the information terminal device 1) requests information from a provider (such as, for example, information server device 2). To do so, the information terminal device 1 creates an information request signal and transmits it to the information server device 2. (Also see, for example, pages 56-58 of the specification.) That is, the ***device requesting the information*** creates the information request signal which includes the address of the device requesting the information.

In rejecting claim 40, the Office Action states:

> A new cited art to Kondo et al. (US 7,895,274 B2) discloses ***a communication terminal (11)*** equipped with a camera for capturing image, ***inserting an address of the terminal to the captured image***, displaying the captured image, storing the captured image, and ***transmitting the address of the terminal*** together with the captured image ***to a server, wherein the server*** executes a processing for ***providing the processed image data to the terminal*** such as determines an image processing capacity of the terminal and converting an image size of a source image data matching to the terminal (abstract, figs. 1-11). ***Therefore, Kondo discloses the creation of information including an address specifying the information acquisition terminal*** as claimed and argued in Remarks. [Emphasis added.]

(Page 2 of the Office Action) That is, the Office alleges that the communication terminal 1 (and not 11) of the Kondo patent, which includes the address of the terminal

to which the processed image is sent, teaches the claimed information request creation unit (in the information acquisition device) creating an information request that includes an address specifying the information acquisition device. The applicants respectfully disagree. More specifically, the Kondo patent states:

> ***The personal computer 1 may*** execute the send mode processing in an image processing program to connect to a network 4 via the port replicator 2, thereby ***transmitting the images*** supplied from the CCD video camera 33 and the video recorder 3 ***to the server 5***. ... ***The server 5*** manages the images transmitted from the personal computer 1 for example and ***provides*** (or transfers) any of ***these images to the terminal 6 for example which requests them***. [Emphasis added.]

(Col. 2, line 64 - Col. 3 line 9) It further states:

> In addition, ***the personal computer 1 may send***, along with a send image, ***the address of the terminal 6*** for example to the server 5, thereby causing the server 5 to execute the processing of providing the send image to the terminal 6. [Emphasis added.]

(Col. 3, line 66 - Col. 4 line 2) As can be appreciated from the foregoing, terminal 6 of the Kondo patent requests and consumes information (images) from server 5 and ***personal computer 1, which includes the address of terminal 6, provides information*** (images) to terminal 6 (via server 5).

That is, the information (images and address) sent by the personal computer 1 to server 5 is not an information ***request*** as claimed. In other words, regardless of whether or not the personal computer 1 is an information acquisition device it does not include its

address in the information sent to the server. Rather, it includes address of terminal 6. This is not same as the information ***request*** creation unit (in ***an information acquisition device*** which acquires digital information from a server) ***creating an information request that includes an address specifying the information acquisition device*** as recited in claim 40. During the telephone interview, Examiner Nguyen appreciated the foregoing distinction. Thus, the Kondo patent fails to teach the foregoing feature of claim 40.

As can be appreciated from the foregoing, the Kondo patent fails to teach the foregoing features of claim 40. Accordingly, the Kondo patent fails to compensate for the deficiencies of the Kusaka publication and the Squilla patent with respect to the above discussed features. (As noted in the applicants' previous response filed June 29, 2011, the Kusaka publication and the Squilla patent, either taken alone or in combination, fail to teach the foregoing features of claim 40.) Thus, the cited references, either taken alone or in combination, fail to render claim 40 obvious.

Although different in scope, claim 135 is similarly not rendered obvious. Since claims 42-56, 63-72, 76 depend directly or indirectly from claim 40, they are similarly not rendered obvious by the cited references.

During the telephone interview, Examiner Nguyen mentioned that new references, namely, U.S. Patent No. 7,716,708 ("the Nishimura patent") and U.S. Patent No. 7,460,151 ("the Minatogawa patent") may be made of

record. The applicants have reviewed the Nishimura and Minatogawa patents and did not find the foregoing features of claims 40 and 135.

Claims 57-61 and 73-75 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kusaka publication in view of the Squilla patent and the Kondo patent, and further in view of U.S. Patent Application Publication No. 2004/0053637 ("the Iida publication"). The applicants respectfully request that the Office reconsider and withdraw this ground of rejection in view of the following.

Claims 57-61 and 73-75 depend directly or indirectly from claim 40. The purported teachings of the Iida publication would not compensate for the deficiencies of the Kusaka publication and the Squilla and Kondo patents with respect to claim 40 (discussed above), regardless of whether or not the Iida publication teaches what is alleged, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 57-61 and 73-75 are not rendered obvious by the cited references for at least this reason.

New claim

New independent apparatus claim 266 is based on independent apparatus claim 40 and further recites an information acquisition device which acquires digital information from a server, the information acquisition

device comprising: an image capturing unit shooting a subject and capturing image data of a subject image formed by a taking lens; an information request creation unit creating an information request that includes an address specifying the information acquisition device; a first transmission unit radiating an information request signal that includes the information request, without specifying any destination address of the information request signal; a reception unit receiving a radio signal addressed to the information acquisition device and transmitted wirelessly from the server in response to the information request signal transmitted by the first transmission unit, and acquiring information contained in the radio signal; an information storage unit storing the image data captured by the image capturing unit in addition to the information acquired by the reception unit; an operation unit detecting one user operation of a shutter switch for issuing an instruction to transmit the information request signal by the first transmission unit or to capture image data by the image capturing unit; and a mode selecting unit selecting a mode from (1) an information acquisition mode, (2) an image capture mode and (3) a mix mode, wherein the first transmission unit has directivity and radiates the information request signal in a direction through an optical axis of the taking lens, and the reception unit has one of (a) no directivity and (b) broader directivity than the first transmission unit, and wherein ***(A) when the operation unit detects the user operation of the shutter switch in the mix mode, the image capture unit captures image data of the subject image formed by the taking lens and the first transmission unit radiates the information request***

signal in the direction through the optical axis of the taking lens, and both the captured image and the acquired information are stored in the information storage unit, (B) when the operation unit detects the user operation of the shutter switch in the image capture mode, the image capture unit captures the image data of the subject image formed by the taking lens but the first transmission unit does not radiate the information request signal, and only the captured image is stored in the information storage unit, and (C) when the operation unit detects the user operation of the shutter switch in the information acquisition mode, the first transmission unit radiates the information request signal in the direction through the optical axis of the taking lens but the image capture unit does not capture the image data of the subject image, and only the acquired information is stored in the information storage unit. New independent apparatus claim 266 is supported by, for example, claim 40 and Figs. 15-18 and their associated description. New independent apparatus claim 266 is allowable over the cited references for at least the same reasons as claim 40.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain ***only*** to the specific aspects of the invention ***claimed***. Any claim amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of***, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

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John C. Pokotylo, Attorney
Reg. No. 36,242
Tel.: (732) 936-1400